

REMARKS

The Office Action dated April 9, 2003 has been reviewed and carefully considered. Claims 1-12 are pending, of which claims 1 and 8-11 are the independent claims. Reconsideration in view of the following remarks is respectfully requested.

Claims 1 and 8-11 stand rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent 6,331,989 to Tezuka in view of U.S. Patent No. 5,920,572 to Washington et al. ("Washington").

Tezuka discloses the time-division multiplexing of source signals and the demultiplexing of the multiplexed signal into the source signals.

As item 2 of the Office Action acknowledges, Tezuka fails to disclose a "introducing a variable length auxiliary signal into the multiplex signal, the length of the variable length auxiliary signal being dependent on an aggregate rate of the source signals to be transmitted" as explicitly required by the language of claim 1.

Item 2 states two purported disclosures of Washington and then concludes that the shortcomings of Tezuka would have been supplied by a proposed Tezuka/Washington combination.

Quoting from item 2 "Washington discloses the flags fields can have a fixed or dynamic meaning depending on the instructions provided by the processor (col. 17, lines 12-14) and that the packet data can be of variable length and may be divided over several transport packets based on whether the data is important or unrelated (col. 17, lines 19-23). Therefore, it would have been obvious . . . to use the multiplex/demultiplexing teaching of Tezuka's and Washington's to associate length of variable auxiliary signal (i.e. flag/control information) is dependent on aggregate rate of

source signal because the total bandwidth between the systems (i.e. output of multiplexer into demultiplexer) must have sufficient bandwidth to accommodate the instantaneous system inputs (varied flag field, or with/without loads for transport).”

Firstly, the purported disclosures are mischaracterized. Secondly, the purported disclosures do not support the proposed conclusion.

Regarding the Washington flags field, any particular bit position in the 10-bit flags field (col. 16, line 36(37)) may be configured with a fixed meaning or with a meaning that varies with the instruction that is executing. A reduced instruction set chip (RISC) (col. 17, line 10: “RISC”) processor with a relatively large repertoire of instructions (col. 17, line 14: “instructions”), for example, may have two instructions that interpret that particular bit differently, so that the flag field is correspondingly configured with dynamic meaning. Whether the flags field is fixed or dynamic in meaning, it still occupies a fixed length of only 10 bits.

As to the division of packet data, the variable-length PES packet data may be divided over several transport packets, because the transport packets are each of fixed length (col. 5, lines 14-15). As a consequence, any important information of the PES packet so divided may be interspersed with less important information.

These disclosures regarding the flags field and packet division, alone or in combination, do not appear to support the conclusion advanced by the Office Action. Moreover, the Office Action is silent as to what constitutes motivation to combine the references. It is unclear what would have motivated one of ordinary skill the art to combine the two references or how they would be combined, much less how a combination could properly be seen as featuring the above-quoted limitations of claim 1

of the instant invention. The purported combination would not even seem to feature “a variable length auxiliary signal” much less “introducing a variable length auxiliary signal into the multiplex signal, the length of the variable length auxiliary signal being dependent on an aggregate rate of the source signals to be transmitted.” It seems, however, that the Examiner is using improper hindsight gleaned from reading the instant specification to somehow reshape Tezuka into an embodiment that resembles the claimed invention. For at least all of the above reasons, the references, alone or in combination, fail to anticipate or render obvious the invention as recited in claim 1.

As to claims 8-11, they likewise recite the same above-quoted limitation as claim 1, and are patentable over the references for at least the same reasons.


The rejections of the dependent claims rely on U.S. Patent 6,529,528 to Park and U.S. Patent 6,233,251 to Kurobe et al. (“Kurobe”), but Park and Kurobe, alone or in combination, cannot compensate for the deficiencies in Tezuka and Washington.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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